

**LAHIVE  
&  
COCKFIELD  
LLP**

**COUNSELLORS AT LAW**  
28 STATE STREET  
BOSTON, MASSACHUSETTS 02109-1784  
TELEPHONE (617) 227-7400  
FAX (617) 742-4214  
lc@lahive.com

JOHN A. LAHIVE JR. (1928-1987)  
THOMAS V. SMURZYNSKI  
RALPH A. LOREN  
GIULIO A. DeCONTE, JR.  
ANN LAMPORT HAMMITTE  
ELIZABETH A. HANLEY  
AMY BAKER MANDRAGOURAS  
ANTHONY A. LAURENTANO  
KEVIN J. CANNING  
JANE E. REMILLARD  
DEANN FORAN SMITH  
PETER C. LAURO  
DEBRA J. MILASINSKI, Ph.D.  
DAVID J. RIKKERS  
DAVID R. BURNS  
JOHN S. CURRAN  
SEAN D. DETWEILER  
MEGAN E. WILLIAMS, Ph.D.

LISA M. DIROCCO  
PATRICIA P. RUSSELL  
MARIA LACOSTRE ZACHARAKIS, Ph.D.  
MERIDETH C. ARNOLD  
DANIELLE L. HERRITT  
EUNHOON LEE

**SENIOR COUNSEL**  
JAMES E. COCKFIELD

**OF COUNSEL**  
JEREMAH LYNCH  
WILLIAM A. SCOFIELD, JR.  
SIBLEY P. REPPERT  
JEANNE M. DIGIORGIO  
CYNTHIA L. KANIK, Ph.D.

**PATENT AGENTS**  
THEODORE R. WEST  
CYNTHIA M. SOROCOS  
PETER W. DINI, Ph.D.  
JONATHAN M. SPARKS, Ph.D.

**TECHNICAL SPECIALISTS**  
CATHERINE M. BISHOP  
JACOB S. WEINTRAUB  
CRISTIN E. HOWLEY, Ph.D.  
JILL ANN MELLO, Ph.D.  
DEBORAH L. NAGLE, Ph.D.  
ANNE JACQUELINE NOWAK, Ph.D.  
ANDRINA WILLIAMS ZINK

\* Admitted in TX only  
\*\* Admitted in CT only

## Facsimile Cover Sheet

**To:** Examiner Fenn C. Mathew  
**Company:** U.S. Patent and Trademark Office  
**Location:** Group 3764  
**Phone:** 703-305-2846  
**Fax:** 703-872-9303

**From:** David J. Rikkers  
**Phone:** (617) 227-7400  
**Fax:** (617) 742-4214



**Serial No.:** 09/903,374  
**Attorney Docket No.:** ATA-297

**Date:** June 19, 2003  
**Sent By:** DJR/vlh  
**Pages including this cover page:** 14

**Message:** Enclosed is a Response (9 pages), Transmittal (1 page), Petition for Extension of Time (1 page), and Fee Transmittal (1 page, in duplicate) in response to the Office Action dated February 28, 2003.

The documents transmitted by this facsimile are intended for the use of the individual or the entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

**FAX RECEIVED**  
JUN 19 2003  
GROUP 3700

<b>AMENDMENT TRANSMITTAL LETTER</b>				Docket No. ATA-297	
Application No. 09/903374	Filing Date July 11, 2001	Examiner Fenn C. Mathew	Art Unit 3764		
Applicant(s): Steve A Herweck, et al.					
Invention: PROTHESIS AND METHOD OF MAKING A PROTHESIS HAVING AN EXTERNAL SUPPORT STRUCTURE					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is a Response (8 pages) in the above-identified application, as well as a transmittal letter (1 page); Petition for Extension of Time (1 page), and Fee Transmittal (1 page, in duplicate).					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	9	- 12 =		x	0.00
Independent Claims	2	- 4 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Extension for response within first month					55.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					<b>55.00</b>
<input type="checkbox"/> Large Entity <span style="float: right;"><input checked="" type="checkbox"/> Small Entity</span>					
<input type="checkbox"/> No additional fee is required for this amendment.					
<input checked="" type="checkbox"/> Please charge Deposit Account No. <u>12-0080</u> in the amount of \$ <u>55.00</u> A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>12-0080</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17					
 David J. Ridders Attorney Reg. No.: 43,882				Dated: <u>June 19, 2003</u>	
LAHIVE & COCKFIELD, LLP 28 State Street Boston, Massachusetts 02109 (617) 227-7400					
I hereby certify that this correspondence is being facsimile transmitted to Examiner Fenn C. Mathew at facsimile No. 703-872-9303, Mail Stop AF, Commissioner for Patents, Alexandria, VA 22313-4450 on the date set forth below. Dated: <u>June 19, 2003</u> Signature:  (David J. Ridders)					

GROUP 3700

JUN 19 2003

FAX RECEIVED

PTO/SB/17 (05-03)

Approved for use through 04/30/2003 OMB 0851-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL for FY 2003</b>		<b>Complete if Known</b>																																																																																																																																																																																			
<small>Effective 01/01/2003, Patent fees are subject to annual revision</small>		Application Number	09/903,374																																																																																																																																																																																		
		Filing Date	July 11, 2001																																																																																																																																																																																		
		First Named Inventor	Steve A. Harweck																																																																																																																																																																																		
		Examiner Name	Fenn C. Mathew																																																																																																																																																																																		
		Art Unit	3764																																																																																																																																																																																		
		Attorney Docket No	ATA-297																																																																																																																																																																																		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27																																																																																																																																																																																					
<b>TOTAL AMOUNT OF PAYMENT (\$)</b> 55.00																																																																																																																																																																																					
<b>METHOD OF PAYMENT (check all that apply)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>  <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entry</th> <th colspan="2">Small Entry</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>85</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIF prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIF after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within 1st month</td><td>55.00</td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>455</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>180</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>180</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td><td></td></tr> <tr><td>1603</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(g)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Sheet</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (time number of properties)</td><td></td></tr> <tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>800</td><td>1802</td><td>800</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Large Entry		Small Entry		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	85	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIF prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIF after Examiner action		1251	110	2251	55	Extension for reply within 1st month	55.00	1252	410	2252	205	Extension for reply within second month		1253	930	2253	455	Extension for reply within third month		1254	1,450	2254	725	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month		1401	320	2401	180	Notice of Appeal		1402	320	2402	180	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unintentional		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1603	630	2503	315	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(g)		1806	180	1806	180	Submission of Information Disclosure Sheet		8021	40	8021	40	Recording each patent assignment per property (time number of properties)		1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))		1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)		1802	800	1802	800	Request for expedited examination of a design application	
Large Entry				Small Entry		Fee Description	Fee Paid																																																																																																																																																																														
Fee Code	Fee (\$)			Fee Code	Fee (\$)																																																																																																																																																																																
1051	130			2051	85	Surcharge - late filing fee or oath																																																																																																																																																																															
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																	
1053	130	1053	130	Non-English specification																																																																																																																																																																																	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																	
1804	920*	1804	920*	Requesting publication of SIF prior to Examiner action																																																																																																																																																																																	
1805	1,840*	1805	1,840*	Requesting publication of SIF after Examiner action																																																																																																																																																																																	
1251	110	2251	55	Extension for reply within 1st month	55.00																																																																																																																																																																																
1252	410	2252	205	Extension for reply within second month																																																																																																																																																																																	
1253	930	2253	455	Extension for reply within third month																																																																																																																																																																																	
1254	1,450	2254	725	Extension for reply within fourth month																																																																																																																																																																																	
1255	1,970	2255	985	Extension for reply within fifth month																																																																																																																																																																																	
1401	320	2401	180	Notice of Appeal																																																																																																																																																																																	
1402	320	2402	180	Filing a brief in support of an appeal																																																																																																																																																																																	
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																	
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																	
1452	110	2452	55	Petition to revive - unintentional																																																																																																																																																																																	
1453	1,300	2453	650	Petition to revive - unintentional																																																																																																																																																																																	
1501	1,300	2501	650	Utility issue fee (or reissue)																																																																																																																																																																																	
1502	470	2502	235	Design issue fee																																																																																																																																																																																	
1603	630	2503	315	Plant issue fee																																																																																																																																																																																	
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)																																																																																																																																																																																	
1806	180	1806	180	Submission of Information Disclosure Sheet																																																																																																																																																																																	
8021	40	8021	40	Recording each patent assignment per property (time number of properties)																																																																																																																																																																																	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																	
1801	750	2801	375	Request for Continued Examination (RCE)																																																																																																																																																																																	
1802	800	1802	800	Request for expedited examination of a design application																																																																																																																																																																																	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP																																																																																																																																																																																					
The Director is hereby authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of the application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-designated deposit account																																																																																																																																																																																					
<b>FEE CALCULATION</b>																																																																																																																																																																																					
<b>1. BASIC FILING FEE</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entry</th> <th colspan="2">Small Entry</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>750</td><td>2001</td><td>375</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>330</td><td>2002</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>520</td><td>2003</td><td>260</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>750</td><td>2004</td><td>375</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>180</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table>		Large Entry		Small Entry		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	750	2001	375	Utility filing fee		1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	180	2005	80	Provisional filing fee																																																																																																																																													
Large Entry		Small Entry		Fee Description	Fee Paid																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																		
1001	750	2001	375	Utility filing fee																																																																																																																																																																																	
1002	330	2002	165	Design filing fee																																																																																																																																																																																	
1003	520	2003	260	Plant filing fee																																																																																																																																																																																	
1004	750	2004	375	Reissue filing fee																																																																																																																																																																																	
1005	180	2005	80	Provisional filing fee																																																																																																																																																																																	
<b>SUBTOTAL (1) (\$)</b> 0.00																																																																																																																																																																																					
<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Total Claims</th> <th colspan="2">Extra Claims</th> <th colspan="2">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>9</td> <td>-12** =</td> <td></td> <td></td> <td></td> <td>0.00</td> </tr> <tr> <td>2</td> <td>-3** =</td> <td></td> <td></td> <td></td> <td>0.00</td> </tr> </tbody> </table>		Total Claims		Extra Claims		Fee Paid		9	-12** =				0.00	2	-3** =				0.00																																																																																																																																																																		
Total Claims		Extra Claims		Fee Paid																																																																																																																																																																																	
9	-12** =				0.00																																																																																																																																																																																
2	-3** =				0.00																																																																																																																																																																																
<b>Multiple Dependents</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entry</th> <th colspan="2">Small Entry</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>280</td><td>2203</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table>		Large Entry		Small Entry		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	84	2201	42	Independent claims in excess of 3		1203	280	2203	140	Multiple dependent claim, if not paid		1204	84	2204	42	Reissue independent claims over original patent		1205	18	2205	9	Reissue claims in excess of 20 and over original patent																																																																																																																																													
Large Entry		Small Entry		Fee Description	Fee Paid																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																		
1202	18	2202	9	Claims in excess of 20																																																																																																																																																																																	
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																																																																	
1203	280	2203	140	Multiple dependent claim, if not paid																																																																																																																																																																																	
1204	84	2204	42	Reissue independent claims over original patent																																																																																																																																																																																	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent																																																																																																																																																																																	
<b>SUBTOTAL (2) (\$)</b> 0.00																																																																																																																																																																																					
<small>**Or number previously paid, if greater. For Reissues, see 800.00.</small>																																																																																																																																																																																					
		<b>Other fee (specify)</b>																																																																																																																																																																																			
		<b>Reduced by Basic Filing Fee Paid</b>																																																																																																																																																																																			
		<b>SUBTOTAL (3) (\$)</b> 55.00																																																																																																																																																																																			
<b>SUBMITTED BY</b>																																																																																																																																																																																					
Name (Print/Type): David J. Ruckers		Registration No. (Attorney/Agent): 43,882																																																																																																																																																																																			
Signature: <i>David J. Ruckers</i>		Telephone: (617) 227-7400																																																																																																																																																																																			
		Date: June 19, 2003																																																																																																																																																																																			

I hereby certify that this correspondence is being facsimile transmitted to Examiner Fenn C. Mathew at Facsimile No. 703-872-9303, Mail Stop AF, Commissioner for Patents, Alexandria, VA 22313-1450 on the date set forth below.

Dated: June 19, 2003

Signature: *David J. Ruckers*

(David J. Ruckers)

06/19/2003 09:11:11 00000000 120000 09903374  
Sale Ref: 00000004 DA#: 120000 09903374

01 FC:2251

55.00 DA